

CONSERVATION COMMISSION
DRAFT MINUTES OF THE MEETING
WEDNESDAY, MAY 16, 2007 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
MAX SCHENK, CHAIRMAN

MEMBERS PRESENT

Max Schenk
Charlie Anderson
William Febiger
Robert Gulla
Ann Jo Jackson
John Feener

MEMBERS ABSENT

Arthur Socolow

STAFF PRESENT

Nancy Ryder, Conservation Agent
Carol Gray, Recording Clerk

Ms. Ryder reads the list of continuations from the agenda stating that it has become too easy to continue matters before the Commission. To discourage this, she suggests giving dates at the end of the line a month later and scheduling the time for midnight.

7:06 PM The Conservation Commission meeting begins with Mr. Max Schenk, Chairman reading the agenda for the evening.

**CLOSURE OF HEARINGS, REVIEW OF FINAL INFORMATION,
AMENDMENT AND SIGNING OF PERMITS/DECISIONS**

18 ROUSE ROAD

The Agent notes that the Commission approved this with conditions and is on the agenda for signatures. She states that quite a lot has been done on the property and further notes the vegetative buffer along the Wetland and 2 to 1 mitigation.

MOTION: Ms. Jackson moves for approval with conditions

SECOND: Mr. Anderson **VOTE:** 6-0 all in favor, signed by all members present.

161 & 165 ATLANTIC ROAD

In review the Agent states that this is a conversion of the old Ocean View Inn.

There is a net decrease in impervious with a disturbance of the Wetlands. In agreement is a vegetative buffer prior to the start of work. A huge area of Wetland out of permit was filled. A plan has been submitted. A letter from Mr. William Cordella was noted and states that the fill has been there and will be removed.

This is pending an Eng. review not yet submitted by Mike Hale.

John Judd inquires as to the fill removal, questioning the kind of fill and the amount.

The Agent notes the finger at the end where the dumpster is located. The owner notes the dumpster being there at this time and Mr. Gulla asks what the dumpster is on. Ms. Ryder notes the dumpster being on packed gravel.

Mr. Febiger arrives at the meeting.

MOTION: Ms. Jackson moves to approve the project, pending the Eng. review and with the outlined conditions and accepts the added condition.

SECOND: Mr. Gulla

VOTE: 5-0 and 1 abstaining

Ms. Ryder clarified the Wetland flags with John Judd as the plan was viewed by the Commission members. (Approximate: Wetland flags 1-6)

142 WHEELER STREET

The Agent notes a blank draft and questions regarding conditions in relation to the ramp, pier, dock and floats.

Jim and Dave agreed that there is a need to modify this for one piece of granite.

DEP has concerns as they do not recommend a concrete landing due to velocity.

Jim and Dave did not share those concerns. There is a need for Chapter 91 re: concrete pilings.

Mr. Gulla inquired as to velocity and granite and Ms. Ryder noted scouring and wave action but with a rocky river bank that should not happen. She further noted this area being prolific with shellfish.

Mr. Gulla noted stones being used and Ms. Ryder stated that it would be one granite anchor to connect the float which does not ground out. Jim and Dave were fine with that.

Mr. Febiger inquired as to storage and Ms. Ryder states that it is automatic that it be upland.

Mr. Gulla inquired as to the deck and ***** (from the general public) stated that it would be staves to a concrete pier.

Mr. Gulla noted minimal carpentry being used for this project and Ms. Ryder states that this is all above grade.

MOTION: Mr. Gulla moves to approve with conditions and the inclusion of upland storage as outlined on the order.

SECOND: Ms. Jackson

VOTE: 6-0 all in favor

The Agent notes the schedule for the next meeting and only 2 open slots for continuations are available for this evening.

379 WASHINGTON STREET

The Agent reviews the project with the Commission stating there are no issues. There is no approval submitted from the Eng. as of yet. A concern is flooding in the area. A recommendation should come pending approval from Eng.

Mike Flaherty was noted regarding repairs and things to be fixed.

Mr. Schenk noted a drive by to the property and no problems.

MOTION: Ms. Jackson moves to approve

SECOND: Mr. Febiger

VOTE: 6-0 all in favor

132 COLES ISLAND ROAD

There is a request for continuation regarding this matter. The final information for the GCC is not in as of yet.

MOTION: Mr. Feener moves to continue the matter to 06/06/07

SECOND: Mr. Gulla VOTE: 6-0 all in favor

PUBLIC COMMENT: Mr. Schenk notes that this the time for the general public to speak on any Conservation Commission related issues that are not on the agenda for this evening. NONE PUBLIC COMMENT CLOSED

GOOD HARBOR BEACH

Voc's detected in Good Harbor Beach Watershed.

The Agent notes that additives were noted and possible sources would be a dry cleaners and/or the diesel station. The Voc's were found in Days Pond. Possible source would be the gas station on Eastern Ave. at the nursery. We have no idea exactly where it is coming from. She recommends pulling DEP into this with soils testing to be done with any question of contamination.

***** got a grant for testing and follow up.

Mr. Gulla asked if the findings were over on the edge of the limit and Ms. Ryder stated that they were above the limit.

Mr. Gulla asked if other businesses would be listed such as Dunkin Donuts or others.

Ms. Ryder stated they would have done soils testing to insure the removal from the site or seal them. Mr. Gulla asked if we could request that future people do testing.

It was noted that DEP should flag this as: 21E site.

Mr. Febiger asked if further down the stream would be affected.

Ms. Ryder noted that East Ave has been added as a concern.

Mr. Febiger asked if this is the same stream that passes Stop and Shop.

Ms. Ryder stated yes and is also the same stream that passes under the Good Harbor bridge.

Indicator samples were down but did not pin point the exact location.

KONDELIN ROAD (Map 197, Lot 9)

Mr. Schenk is recused.

Gloucester EDIC to remove deposited gravel and trash rack at the culvert inlet and install a beaver flow device at the culvert inlet and outlet.

Dray ***** reviews the plan with the Commission.

This is regards to the removal of gravel at the culvert and installing a beaver flow device/protective fencing. The plan is to install a 12 inch pipe with a flow device/screened cage. The plan was shown and discussed.

Regarding the Wetland resources a study was submitted having been done by field reps. on 04/13/07. The history of the area was reviewed as well as mapping and aerial views.

The Wetland boundary has not significantly increased pre beaver.

2000 Sq. Ft. of increase was noted and pointed out on the plan.

Remnant Wetland flagging found on the western side, and on the northern side no land increase and water levels are higher. On the southern side there is a steep grade with a little creeping.

She further notes this being a more gradual grade.

Wetland flagging was done in 2005.

One to six feet from the existing flagging, earlier levels almost a foot lower with not a significant increase of Wetland due to the beavers.

The recommendation is to install the beaver flow device.

Elevation of the culvert inlet is at 46.18.

It is proposed that the water level will be lowered 6 inches from the existing measurement. It was noted that if the water level is not dropped in an emergency the water level could be quite high.

An Emergency Permit was requested from the Board of Health and the State Dept. of Public Health which were denied as it is not considered an emergency situation.

Application was filed with the Fish and Wildlife Dept. and it was determined that there is not a beaver problem and the permit was not issued.

She further noted the OoC from the Commission.

The Agent noted the beaver flow device and it going to the end instead of in the middle of the culvert. She further noted that she is not in favor of dropping the pipe to the bottom of the culvert. She further noted drains being on either side for flow.

Ms. Dray ***** noted a 44 inch culvert and allowing 3 ft. of water for habitat and numerous Wetland species.

Mr. Febiger inquired as to how you assure the water level staying at 6 inches.

Ms. Dray ***** explained the regulation of the water level.

Ms. Ryder noted that the Commission could amend this but would prefer the OoC rather than amending.

Mr. Gulla noted that he was not clear on the controls in regards to this project.

Ms. Dray ***** stated the culvert not being touched, fencing around it with tubing, held in place with metal poles and wiring.

Mr. Febiger inquired as to the shape and she stated that it would be more L shaped.

Mr. Gulla inquired as to the construction sequence and asked the Commission if controls need to be put in place.

Ms. Dray ***** noted a coffer dam.

Mr. Gulla asked if the work would be done by hand or machine.

Ms. Dray ***** stated an excavator would be reaching into the Wetland, removing and then brought offsite. There will be no tree clearing. A discussion of silt and the removal of aforesaid were discussed. Saplings may be removed.

Mr. Gulla noted the samplings discussed at a previous meeting and further noted the downhill side.

Ms. Dray ***** noted a metal fencing so beavers won't cross the roadway.

Ms. Jackson noted that the objective is the OoC rather than an amendment.

Mr. Febiger inquired as to a contractors plan.

Ms. Ryder stated that there is a plan and OoC.

Mr. Febiger inquired as to there being any revisions and Ms. Ryder stated yes.

A discussion was had regarding mitigation.

Ms. Ryder notes in regards to EDIC, the conservation restriction was pulled off the table.

Ms. Dray ***** accepts the orders, as follows:

Beaver flow device 6 inches below the top of the culvert,

Coffer dam, no machinery in the Wetland, no tree removal at

Pre-construction, saplings to be taken were noted, mitigation:

Stones and fill to be removed.

Ms. Ryder notes that the Commission previously agreed to the conditions.

Mr. Gulla inquired as to restrictions and Ms. Ryder stated that there is to be no further development.

Ms. Ryder notes that a final report will be issued to the Commission right after the project with the CoC issued quickly.

MOTION: Mr. Febiger moves to continue the matter to 06/06/07 for signature approval.

SECOND: Mr. Gulla VOTE: 5-0 Recused: Mr. Schenk

AGENTS REPORT ON VIOLATIONS

CEDARWOOD/FENLEY

Ms. Ryder notes the name Marshall as the landowner. This is in regards to an Enforcement Order against the City of Gloucester and today is the day.

The Agent reports that no stream repair done and that nothing has been done.

We can fine ourselves as a City or bring in DEP. She further states that there are mitigating circumstances but that is no reason for something to not have been done re: the bank stabilization. Mr. Gulla suggested a letter to be sent.

Ms. Ryder notes that we can give 2 weeks to 05/30/07 for stabilization with photos confirming the work was done.

Mr. Gulla stated that he was nervous about heavy equipment being used and asked if participants in the stabilization know what stabilizing the bank means. He further asked if we could add how that is to be done.

Ms. Ryder stated that we can but, if they do what we say and it fails then they can come back to us and they have Engineering for that on the premises.

A discussion was had regarding how to advise (if possible) the landowner and participants in the stabilization.

Ms. Ryder notes that the Engineering Dept, Shellfish and the Conservation Commission offered advice with no cooperation from the DPW as of yet. She further noted more than 5000 sq. ft. of drainage. She further stated that DEP can step in.

Mr. Feener asked if anyone else could approach the DPW with Mr. Schenk noting that being a good idea.

Brandon Frontiero asked how steep the slope is and Ms. Ryder noted that it is not so much steep but what they did regarding the expanse of disturbance.

There was no vote but guidance and how it is to be accomplished.

362 MAGNOLIA AVENUE (Map 213, Lot 13)

John Korthas to construct a boulder wall.

The Agent notes that this issue is being monitored and that she met with Dave Sargent and the property owner who agreed to do a stewardship and alewife project. She further notes that this location is a great place for the stewardship. No plan is set up as of yet. Dave Sargent has good interaction with the property owner.

Mr. Schenk stated that if Dave Sargent can work it out, fine, but if not the GCC can take action. The 2nd meeting in June was noted for a continuance date (06/20/07 8 PM)

MOTION: Ms. Jackson

SECOND: Mr. Anderson

VOTE: 6-0 all in favor

12 RIO DRIVE (Map 213, Lot 9)

Poole Construction to construct a single family home on pilings with a deck, driveway and utilities.

The Agent reports that she has not received a report from Dr. Peter Rosen as of yet. She is waiting for his assessment and a check that is to be submitted. A continuation date of 07/18/07 at 9:30 PM was discussed.

Ms. Jackson asked if the soils were being looked at and Ms. Ryder stated, absolutely.

MOTION: Mr. Gulla moves to continue the matter to the above date and time.

SECOND: Mr. Anderson

VOTE: 6-0 all in favor

LETTER PERMITS

31 WOODWARD AVENUE

The Agent notes that this is an addition to connect the house to the garage.

She notes that this is 80 ft. from the edge of coastal bank with a lot of fragmities.

Mr. Gulla noted a concern he has which is if the GCC gives one Letter Permit, then what ? He asks where the GCC draws the line with issuing the permits.

Mr. Ryder states that this is outside the riverfront, has a fenced in yard and ½ the area is an existing paved walkway. There is not a great deal of increase of impervious.

Ms. Jackson inquired as to the foundation. Mr. Ryder stated this would be a slab on grade with 2 to 1 mitigation along the street side.

The plan was viewed by all GCC members. Heave from frost was noted as a concern regarding the breezeway. The footings were briefly discussed and siltation protection was noted as well. Noted were the Letter Permit, siltation protection in place and 2 to 1 mitigation.

MOTION: Mr. Febiger

SECOND: Mr. Gulla

VOTE: 6-0 all in favor

ECGB Trail Work – to place a boardwalk over the wet section of existing trail to reduce Wetland disturbance.

The Agent in review states that this area has seasonal flooding. She feels a tech. should file an RDA but in so far as the Letter Permit, she has no issue with it.

This is a Greenbelt project.

Mr. Schenk inquired as to pilings and Ms. Ryder stated that they would be laying it down on blocks.

Mr. Febiger inquired as to the height and it being 6 or 12 inches. He further notes that one was previously approved at Ravenwood that was higher.

Ms. Ryder states that it doesn't say how high but if the GCC wants to specify height that can be done.

Mr. Anderson notes that he would be careful in having the GCC specify height as it could make for a safety hazard. Ms. Ryder notes that for the most part the area is dry.

The Agent notes that the boardwalk would be 20 ft. long and in so far as the height, a decision should be made because of liability.

All GCC members view the plan. It was noted that this location is right below Sunset Rock.

MOTION: Mr. Anderson moves to approve the Letter Permit

SECOND: Mr. Gulla

VOTE: 6-0 all in favor

SALINE INFLOW SOURCE REMOVAL APPROVAL

In review, the Agent notes that this is an old building with original pipes. The pipes were not blocked off and an exorbitant amount of flow is coming in. A Letter Permit is requested to close off all the pipes and get it done.

Mike will send a narrative and the specific areas to be done.

MOTION: Mr. Gulla moves to approve the Letter Permit

SECOND: Mr. Anderson VOTE: 6-0

REQUESTS FOR CERTIFICATE OF COMPLIANCE

665 & 667 ESSEX AVENUE

In review the Agent notes that the area of trees cleared on the property is substantially larger than was permitted.

MOTION: Ms. Jackson moves to deny the permit

SECOND: Mr. Feener VOTE: 6-0 all in favor

31 RIVER ROAD

In review the Agent notes that the plantings are not established as they did not take and there is exposed soil.

MOTION: Ms. Jackson moves to deny the permit.

SECOND: Mr. Feener VOTE: 6-0 all in favor

8:25 PM – 5 minute recess.

PUBLIC HEARING 8:30 PM

CITY OF GLOUCESTER – to do maintenance dredging of the north entrance of the Annisquam River in Ipswich Bay NEW

Mr. Schenk, the Agent and the representative for the applicant met having an informational meeting with no decisions made.

Mr. Schenk stated that it would be no problem for him to recuse himself.

Carlos Pera, Engineer stated that this is a 2004 project. An environmental assessment was issued 10/06. He states that they have accomplished a few things.

A NoI was prepared and some studies have been done.

MEPA review was noted and he feels that based on that they will support it.

This is medium to fine sand and ***** 200ft and 700 ft. were mentioned.

He stated that the objective is to bring this to area B, approximately 4200 ft. from the site.

A two to three weeks time frame was mentioned using a hopper dredge with a ferry going to the site then to the disposal site.

He further noted that eel grass beds were existing.

25 to 30 ft. was noted regarding the disposal site.

He suggested that this should be evenly distributed on the bottom instead of in piles.

The last dredging in that particular area was done in 1976. He states that this is a maintenance project.

There is to be no dredging between January 1st and June 30th.

The state may have to try to allocate funds for the summer but more than likely it would happen in the fall.

The Agent notes that much is involved with this project. She notes re: the dates that sea clams would be before the dates and sea quahogs would be after the dates noted and feels that this would be a good spot. She recommends the hopper dredge as the clams can survive with the hopper method and they cannot with the hydraulic.

Mr. Pera noted that there is no overflow and just passes would be made.

Ms. Ryder notes that this is under review with DEP.

The Division of Marine Fisheries has the time restriction.

The Agent further stated that a fairly thorough review has been done and she has no issues. We are waiting on a review from National Heritage regarding the eelgrass.

Mr. Pera notes that the documents were filed on 4/27 and we are waiting on a letter.

Ms. Ryder recommends that the GCC wait for the MEEPA review.

Jim stated that nothing can out to bid until the reviews are in.

Mr. Anderson noted that at one time an experimental ***** station was located on the property.

PUBLIC COMMENT: none

MOTION: Mr. Feener moves to continue the matter to 06/06/07 at 7:05 PM for MEEPA and National Heritage review.

SECOND: Mr. Anderson VOTE: 6-0

39 WOODWARD AVENUE (Map 219, Lot 102) **NEW**

Scotadam Chernov to construct a pier, ramp and seasonal float.

Applicant requests a continuation.

MOTION: Mr. Gulla moves to continue the matter to 06/20/07 at 9:30 PM

SECOND: Mr. Anderson VOTE: 6-0

80 HIGH STREET (Map 164, Lot 47)

Gordon Hugenberger to construct a single family home.

Mr. Tom Kehoe, representing the applicant.

He notes that the GCC members went to the site and had questions and concerns.

He notes the map and discusses the culvert and notes that the step system has been moved back. This has been reviewed by Engineering and Mike Hale had no issues but had requested more information.

Ms. Ryder noted her office receiving several letters from abutters. Photos were given to the Commission and viewed accordingly. She notes that on the day of the site visit no egg masses were observed.

It was noted that Mike Hale had 4 conditions as the Eng. Dept. wants to be onsite and have phase meetings re: the construction of the step system/pump.

Trap rock was noted. A 10 ft. **** separation between water and sewer.

There is to be no removal of shade trees.

Mr. Febiger asked if the shade trees were public and Ms. Ryder notes that they are along the street. Mr. Kehoe noted a tree warden

Mr. Schenk inquired as to anything being buried and the no disturb zone.

Ms. Ryder stated that regarding any yard maintenance, they would have to come back to the GCC. She further notes that the limit of work is now the limit of disturbance.

Christina Goodman would like to view the plan.

There was a question of blasting and Mr. Kehoe stated there would be no blasting.

Camilla McFadden stated she feels the entire site is within the Wetland area.

Mr. Schenk re: the on site visit commenting on the resource area and the buffer zone and a discussion as to what is what. He further commented on the need for it to be outside of that and this could trigger CC jurisdiction.

The Wetland Ordinance was discussed at this time.

Mr. Schenk discussed the time of construction in relation to the turtles crossing.

The Agent states that there is not enough information regarding the species on site to make a determination.

Mr. Kehoe noted that the applicant is offering a time restriction with no activity before 06/15 in regards to the vernal pool.

Ms. Ryder notes that a fall migration is possible as well.

Mr. Kehoe noted that no exterior work is to be done after the end of October.

Ms. Ryder notes that several salamanders will migrate in the fall.

Mr. Kehoe stated he was reluctant to note a specific fall date at this time not having all the species information needed to make that determination.

The applicant noted that the salamanders are of least concern.

Mr. Schenk asked Camilla when the photos were taken and she states she was not sure.

Ms. Ryder states that a time of year restriction is needed.

Mr. Gulla inquired as to the final ruling regarding signage.

Mr. Kehoe stated that it is considered no build and keeping cat briar in the no build zone.

Mr. Gulla noted a concern if the property were to be sold.

Mr. Schenk noted that this includes temporary structures on the property as well.

Mr. Gulla stated that structures don't scare him as it is the getting to it that causes some damage. He feels that the Commission should be contacted if anything is to be done.

The dates of December 1 – June 15th were noted as the no build dates. A limit of work with no structure beyond the property with anything else coming before the Commission. Engineering review, the vernal pool concerns and the revised plan all in.

MOTION: Mr. Febiger moves to approve subject to the aforesaid conditions noted and continue the matter to 06/06/07 for signing.

SECOND: Ms. Jackson

VOTE: 6-0 all in favor

The Agent inquires as to any members wanting to help with the Open Space Plan. She states that the template is done but they cannot get approval from the Mayor of Gloucester's office. Mr. Schenk noted that he would attempt to speak to someone regarding this matter.

Ms. Ryder notes that the plan is nearly completed as the Beverly template is being used as a guide. A draft was created from this which we can modify and adapt for Gloucester. She noted that an Open Space Committee is needed to review and finalize the specifics.

ARBOR ROAD (Map 118) **NEW**

Sarah Hackett to construct a gangway and season float at Arbor Road Extension.

The applicant has requested a continuance.

MOTION: Ms. Jackson moves to continue the matter to 06/20/07 9:30 PM

SECOND: Mr. Anderson

VOTE: 6-0

33 EMERSON AVENUE (Map 21, Lot 8)

The applicant has requested a continuance.

MOTION: Ms. Jackson moves to continue the matter to 06/20/07 9:30 PM

SECOND: Mr. Anderson

VOTE: 6-0 all in favor.

Correspondence and Other Commission Business

Ms. Ryder discussed the 2008 Budget with the Commission.

There is no copy of the Budget as of yet and everything is being cut.

They are trying to cut out the Conservation Assistant position.

She further stated that Dave Sargent has an excellent presentation regarding finances.

Ms. Ryder stated that she would appreciate any appearances by any of the members of the Commission on 05/24/07.

Mr. Schenk asked if a reminder is to be sent and Ms. Ryder stated yes she would do that and that any support would be helpful.

Mr. Gulla inquired as to the possibility of letter being sent from the GCC, with Ms. Ryder stating maybe that would help.

Mass Bay Commuter Rail 2007 Vegetation Control Program

Ms. Ryder notes ENF to MEPA comments are due by 06/22/07.

She notes they have a list regarding changes in chemicals used. Seven different chemicals are proposed to be used this time.

Mr. Anderson inquired as to the location of the meeting and Ms. Ryder noted it being at City Hall.

28-1766 Hubbard, final decision of Acting Commissioner adopting the final decision regarding lack of jurisdiction. Keystone was noted and having no stand.

DoA 1072 Varian case screening notification meeting scheduled for 05/21/07 2PM in Boston.

WINGAERSHEEK BEACH

Ms. Ryder notes the update re: NoI fee funded the fence and signage as the DPW had no money. We authorized \$1000.00 for the repair. A work party will gather a week from

this Friday and the project is moving forward. Two management plans will be available for the next meeting.

MILL POND

Ms. Ryder updates the Commission on the tide gate issue.

She further mentioned a study being done as the tidal gate needs to be assessed.

A weir is nearby and the process is to take the weir and cut it down to provide more tidal flow. There will be a flapper gear to lift and replace depending on the flow.

At low tide they close the gate. Mr. Louis Burge will do some of the structure analysis. Mr. Gulla asked if a flooding event is a good thing and Mr. Schenk explains that the flow will be received but have level of protection. Mr. Gulla notes the figures of 4 or 5 ft below. Mr. Schenk states that he has seen it top over the weir before but has never seen it top the road, but came close. He has not seen it come straight across or go over.

Chapter 91 updates

Ms. Ryder notes that lots are coming in. Chapter 91 reviews at the State level have escalated.

Washington Street Drain – Pavillion Beach Eel Grass update

The Agent notes a meeting to be held this Friday. She further notes the pipe installation.

A survey has been done and a planting and eelgrass replication phase to be in before Memorial Day. Ms. Ryder states that Brandy Moran is monitoring the eelgrass.

Good Harbor Beach Footbridge – It was noted that this is almost done.

1 Rowe Square

Complaint Report

A complaint was made to DEP regarding a spill of re*****

Mr. Schenk is reporting on behalf of the Board of Health.

A survey was done with Tom Cochran and report was passed along to the GCC.

He reports that he smelt nothing and saw nothing at this time.

OSHA had been onsite since October with ***** there since August.

Two other sites were looked as well.

Ms. Ryder notes a conflict having state and local involved in doing this.

54 – 56 WOODWARD AVENUE (Map 219, Lots 109 & 110)

Thomas Lorden to construct a dwelling with associated parking, grading and utilities.

John Judd, Gateway Consulting rep. the applicant Mr. Thomas Lorden.

Mr. Judd noted the boulders on the plan for the Commission. They have contracted with an arborist for recommendation regarding longevity of trees proposed to remain on the property. A letter was submitted regarding minimal impact with a recommendation of a barrier regarding root systems.

Ms. Ryder notes a DEP statement. She further states that this is located in riverfront and a NoI was submitted along with a statement from the Eng. Dept.

Work in the root zone was discussed. The plan has a revision regarding a shift in the driveway.

She further reports that Dave Sargent noted issues with zoning and any increase of erosion or sediment would impact the flats. Engineering has no outstanding issues.

The Agent noted approx. 20 comments from abutters.

Mr. Febiger noted a concern he has with the proximity of trees to the dwelling.

Mr. Feener states that he went out to the location last evening. He inquires as to the back corner where a stake is questioning that as being a location for a pier.

Mr. Judd stated that is the location for 2 piers.

Mr. Feener states that trees will be killed during construction as that particular location is where major root systems are located.

Mr. Judd stated that the intent is to avoid roots that stand out.

Mr. Feener notes that even trees in the front area have roots that will be covered, noting a small beech tree.

Mr. Judd notes that there has been a shifting in the plan to avoid the root zone.

Ms. Ryder asks if changing the design would assist in protecting the root zone.

Mr. Judd notes the plan and explains the water progression.

He states that they worked with the Eng. Dept. regarding the flow to the pea stone driveway. He states that the wall is necessary for the utilities. He further notes the design was altered from a large boulder wall to a 3 to 4 ft. wall at its highest point.

Mr. Feener stated that he feels more alternatives are needed regarding this project.

Mr. Febiger noted no access to the ground from the house other than the driveway.

Mr. Judd stated that this is a very small house and was shrunk down as requested.

Mr. Febiger asked if a deck is planned and Mr. Judd said no and Mr. Febiger stated that a commitment is needed regarding additions trickling in on the property.

Brandon Frontiero asked if the design capacity was a ton or less and Mr. Judd stated that the structural design is not completed as of yet. He noted what was acceptable according to the building codes.

Mr. Anderson had no comments.

Mr. Gulla notes two things of concern noting the tree by the driveway suffering pain and secondly the runoff control. He asks if there is a backup or monitoring plan. He further asked how it is to be checked and or proven.

Mr. Judd explains saturation and runoff on the property. He states this is less than 800 sq. ft. of footprint with runoff being negligible.

Ms. Ryder notes that she has the same concerns as Mr. Gulla regarding the tree and the runoff. She spoke with Mike Hale and he mentioned stone under the structure and swales. He does not feel there will be an increase in runoff and that it will operate similar to the way it is now.

PUBLIC COMMENT:

Mr. Doug Millen 48 Woodward Ave. states that he has built homes for 25 years and feels that Gateway Consulting has failed to prove that there will be no impact on the property. He further discussed the trees and roots. He noted a letter from Tracy Peter and she states that the NoI from Gateway Consult. is incomplete.

He feels this is the worst site he has ever seen and states that the bio map shows the area to be protected.

Mr. Schenk asked for a show of hands from the general public in attendance and counted nine individuals.

Ms. Elizabeth Kenny 52 Woodward Ave. discussed the runoff in the area and noted today's rain as well. She states that the marsh is being impacted and that the runoff problem is not being addressed. She states that the runoff comes from all the way down the street.

Alan ***** 58 Woodward Ave. asks why this project is so close to the house next door.

Mr. Gulla notes that being a Zoning issue.

Alan asked where the high water mark is located and Mr. Judd notes the blue line on the plan. Alan states that his wife used a yardstick to measure the tide (11 ft 9 inches).

Ms. Kenny notes that there are more trees on the property than what is being shown on the plan.

Alan notes the plan and points to where he feels the high water mark is located.

Ms. Deb Liacos 41 Woodward Ave. notes an Oak tree on the plan and feels that 2 sides of the tree will be impacted. She spoke with three tree services and notes that they all said there should be a minimum of 8 ft. distance from an Oak tree. They also stated that it would take the tree 3 to 7 years to die off. She points out a double Oak tree not listed on the plan. She states that the proposed wall is within 4 ft. of the tree and it will be impacted on two sides. She states that it should be a minimum of 8 ft. of no disturbance. She notes the plan and areas of runoff and that a change in hydrology will cause root rot and the trees will die.

She asks the Commission to protect what we have left.

Mr. Feener stated that he could not disagree with anything Ms. Liacos has stated this evening.

Ms. Ruth Sullivan 17 Woodward Ave. submitted a letter and notes bio core maps with a copy of a zoom in of the Little River area noting this being within two core areas.

Ms. Donna Marchant 31 Woodward Ave. Tracy Peter and Katherine Leary as professionals and naturalists. She commented on Little River and the alewife. She further notes a herring run that was established in the area by Stubby Knowles. She states that the runoff is threatening to the grasses and the impact of this is altering the hydrology of the land as well as clammers being disturbed.

She further stated that many things will be impacted with this project.

She stated that Tracy brought to her attention the fact that there is no flagging by CZM and that flagging should be done by the CZM. A letter was submitted.

Mr. Febiger asked if the foundation or the piles were 8 ft. from the trees.

Ms. Kenny noted that her house is on piles.

Mr. Anderson noted Blueback Herring and alewife and that they are not the same as what is in the ocean. He states it has nothing to do with overfishing.

Mr. Steven Golden Hodgkins Street states that there is typo which states that the location is a good place to build a house when in fact it should say it is not a good place to build a house. He feels legal issues are in play with this plan as an environmental impact report was required and not done. He notes that this should be going before MEPA first and that he has documentation which he can submit to prove his statements.

He feels adequate discussion is needed regarding this issue and the Commission needs to allow more time for discussion. He requests that the Commission continue this matter for further discussion.

PUBLIC COMMENT PERIOD CLOSED

Ms. Ryder notes high water at an elevation of 9.1 ft. and that high tide is not the same with different jurisdictional boundaries.

In regards to the bio core habitat, there is no legal protection for bio core and is not a regulated protected area.

She notes the alewife run through March and April.

In regards to the CZM, the applicant would flag the area and bring the information to the Commission.

She further states that the amount of fresh water would not change but the rate of flow would be an Engineering issue.

Mr. Gulla notes his concerns regarding the trees and runoff. He notes the project itself as being stressful and appreciates the citizens of the Gloucester for being present for this matter.

He feels this is a very low impact project and hopes that the citizens apply these issues to the whole area as well as their neighbors and your own property.

He feels it seems disingenuous to want things changed that others are doing now.

Mr. Anderson notes that his concerns are similar to Mr. Gullas'. He further noted that he was in agreement with the Eng. Dept.

Brandon Frontiero noted that the neighbors in the area are plagued with drainage issues. He suggested that the residents file a petition regarding the drainage problems in their neighborhood. He further suggested that maybe the City Engineering Dept. could go in and check all of this out.

Mr. Febiger noted his concern for the trees and stated that if the OoC goes forward, he would want provisions of use with the limiting of future structures and access.

Mr. Feener stated that personally he feels the plan will in affect impact the trees by the driveway.

Mr. Febiger asked if the structure affects the trees and Mr. Feener stated that it would not.

Ms. Jackson noted concerns regarding drainage and shellfish. She further stated that if the Commission moves forward, she would like to see what conditions are to be in place.

Mr. Gulla stated that his concerns are directly in relation to the 2 trees near the driveway.

Mr. Judd stated that a certified arborist would be onsite.

Mr. Febiger suggested that maybe the driveway could narrow as it enters the house.

Mr. Schenk noted that there seems to be several concerns regarding this project, such as the trees being disturbed, drainage issues and shellfish disturbance.

Mr. Anderson notes the map, believes that this project insofar as the dwelling, is in the buffer zone. He is concerned about Eminent Domain issues.

Mr. Judd states that he has attempted to accommodate remedies for the concerns being discussed.

The Agent notes multiple regulations. This is in a riverfront resource area with an expanded lot. Alternatives have been met.

She recaps stating that the house is on pilings with no excavation, no removal of trees, no removal of trees and mitigation. The Agent further notes that this is a buffer zone project. The riverfront regulations have been met. She feels there is not much gain in the

driveway being changed. The Agent notes that the bottom line is what the Commission has to decide is: Have the mitigation standards been met.

Mr. Febiger suggested having the driveway narrow to the house listed as a condition.

Mr. Schenk notes in regards to the mortality of the trees a 5 yr. mortality rate and within five years, if the trees die, 2 to 1 mitigation should be in place. This would include a 5 year study of the marsh.

Mr. Gulla suggested that a Certified Arborist be in place at the site to dictate what is going to best judge the mortality rate of the trees.

Mr. Anderson suggested the consideration of a 3rd party evaluation as he is concerned about the trees as well. Mr. Schenk agreed with having an arborist on site.

It was noted that Ms. Kenny has a boat in the marsh which she stated that she would remove. Mr. Gulla inquired as to the dock as well.

Mr. Feener agreed with having a Certified Arborist on site and mentioned U Mass as point of reference.

Mr. Ryder inquired as to the use of a state Certified Arborist and Mr. Feener thought that was a good idea.

Mr. Schenk further reiterated adding the 5 year mortality rate as a condition.

Ms. Ryder notes that the runoff is between yards. She suggested the possibility of yearly monitoring re: changes in the marsh.

Ms. Jackson noted the 2 to 1 mitigation and Mr. Schenk stated in that case the oaks would be doubled.

Mr. Febiger proposed a condition noting that future access would be limited and a no build zone as well. He further noted that if a future buyer were to come in they would see the limitations.

Mr. Schenk states that the NoI is complete.

Recapping conditions: Yearly monitoring, 5 year tree mortality with 2 to 1 replacement as needed in type, a Certified Arborist on site at start of construction and during and a long term access plan.

It was noted that the NoI is not accurate.

MOTION: Mr. Febiger moves to approve

SECOND: Mr. Anderson OPPOSED: Mr. Gulla

VOTE: 5-0 in favor

SAM PARK (Map 262, Lots 13 & 14, Map 43, Lot 4)

This is a filing under the City of Gloucester Wetlands Ordinance by Sam Park to construct mixed use development and access road off Rte. 128 Extension behind Fuller School.

The Agent notes that the state decision is substantially different from the local.

Ms. Amy Green notes 4 items in regards to the conditions.

The Agent notes the question regarding genetic viability and further notes a geographical boundary.

Mr. Febiger noted his concern re: the buffer zone (100 ft) and Ms. Ryder said no buffer zone but the 100 ft. is accurate.

Mr. Febiger asked how much of the upland would be disturbed.

Ms. Green noted the review of other vernal pools and notes a 1 to 1 gain and loss.

Mr. Febiger asked where the vernal pool is located and Ms. Green pointed out the area on the plan.

Mr. Febiger notes in regards to the 100 ft., asks what is left of upland for critters to go.

Ms. Green notes more than half and points out areas on the plan.

The Agent notes a 50/50 ideal being 50% education and 50% certification.

Ms. Green noted no Wood Frogs and notes this being somewhat degraded but some things are there.

Mr. Gulla asked what the benefit is to different species of importance.

The travels of salamanders were discussed at this time.

Ms. Ryder notes that the majority of Wetland is dry most of the year. She further notes that there is a viability issue because they are not genetically linked to other areas.

Mr. Febiger asked if a plan was in place on how the funds would be used by the recipient.

Michelle stated that they did not want all of it going towards equipment but was set on a 70/30 split.

Ms. Ryder notes that the acceptance of any grant will specify a specific amount to be used for certification. She further noted that Cestial felt the monies could be used towards education in the City of Gloucester.

Michelle noted lots of materials to be submitted for the Commission to review.

Mr. Anderson noted a letter dated 5/2/07 from CZM and read a portion of it.

He asked if there was a DEP draft and Ms. Ryder stated yes.

CZM storm water requires peak and rate of flow, not quality of flow.

Mr. Gulla inquired as to what type of fencing would be in place and was told that there would be no fence but rip rap and there is a guardrail.

PUBLIC COMMENT re: Local

Steven Golden Hodgkins Street notes that his comments will include the state issue as well as the local. He has concerns regarding the Wildlife Habitat. He states that there has been lots of discussion re: the vernal pools but not about other habitat in the area. He notes the GCC has no information about the other habitat in the area. He feels more information and discussion is needed regarding this issue as well the question of genetic viability. He questioned the impact this project will have on the habitat in the vernal pools and feels lots of damage will be done. He feels adequate time needs to be taken in the decision making of this project.

Ms. Ryder at this time notes that all comments should be submitted in writing.

Mr. Golden stated that nothing was discussed regarding comments being submitted in writing.

Mr. Golden and Mr. Schenk discussed the time element for speaking this evening.

Mr. Gulla noted that it is possible that Mr. Golden has missed some of the first meetings regarding this issue.

Mr. Golden then discussed with the Commission the fact that information is needed re: what goes on in the resource area and buffer zone. He further noted a consultant and the policy statement in regards to mitigation and stated something in regards to the consultant getting a message re: getting paid and getting heard. He feels 0% discussion was had regarding the issue of habitat.

Ms. Ryder notes that this is a draft that can be changed and/or modified.

MOTION: Ms. Jackson moves to accept as amended.

SECOND: Mr. Anderson VOTE: 6-0

SAM PARK (Map 262, Lots 13 & 14, Map 43, Lot 4)

This is a filing under the MA Wetlands Protection act by Sam Park to construct mixed use development and access road off Rte. 128 Extension behind Fuller School.

Mr. Schenk asks if there are any further comments and none were made.

MOTION: under the state Wetlands Protection Act, Ms. Jackson moves to approve

SECOND: Mr. Anderson **VOTE:** 6-0 all in favor

It was further stated in regards to the Gloucester Wetlands Ordinance - resource area is subject to flooding and the figures 34/9/10 were noted. 80,000 cubic ft, isolated 23,532 replaced.

A statement of reason should be discussed before the conditions.

Mr. Febiger asked if there was any general percentage regarding the vernal pool area and upland remaining. Ms. Green stated she was not sure and would have to guess.

Mr. Gulla noted that he felt it seemed ok but that it was out of his league.

Ms. Ryder notes that in the statement of reason financial mitigation should be listed with 50% education and 50% certification.

Ms. Ryder further noted that she hoped the Commission would have more to add. A 3rd party that was hired came back and resolved some of the outstanding issues and that other issues could come before the 3rd party as well.

Michelle noted that in re: mitigation and the vernal pools are only for the local and not the state so they should not be in the state statement of reason.

Ms. Green discussed page 2 re: state J-T.

Ms. Ryder notes that we include those in all OoC for the state.

Page 5 was reviewed and noted that 1-17 are standard.

Further noted were: Local Ordinance with post review, no pesticides or herbicides, confliction with the fragmities was discussed.

Mr. Febiger questioned the use of herbicides for the fragmities and Mr. Schenk stated that it was not a safe spray.

Ms. Green and Michelle both noted #15 as a special condition regarding pesticides.

Ms. Green noted #30 re: blasting and Ms. Ryder noted that.

Ms. Green noted pg. 8, #44 and stated a different languaging was requested re: erosion control measures to be in place. Ms. Ryder had a correction re: pg.9, #50.

Ms. Green noted #55 and asked that the last sentence be taken and reference made to no.12.

Ms. Ryder notes pg. 10 and asked that the second sentence should read no increase in volume.

The statement of reason as a whole was discussed with the representatives of the applicant and the GCC.

Ms. Green noted #66 and stated that no samples would be taken in the area.

Ms. Ryder asked if there were any further questions regarding #10 and #11, which pretty much covers the state.

Mr. Schenk stated that he was satisfied with the conditions as amended.

MOTION: Ms. Jackson moves to approve as amended

SECOND: Mr. Gulla **VOTE:** 6-0 all in favor

(This is for state and local)

Michelle stated that they are comfortable with it as it is.

Mr. Schenk asked if the Commission would want to amend the state and

Mr. Gulla stated that he sees no reason for it as long as all is applicable he is ok with it.

MOTION: Ms. Jackson moves to adjourn the meeting.

SECOND: Mr. Gulla VOTE: 6-0

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DRAFT